

REMARKS

Claims 1-39 are pending with claims 1, 21, 22, and 27 being independent. Claims 1, 2, 4-9, 21, and 22 have been amended, and claims 27-39 have been added.

The Office Action objected to the drawings, contending that Figs. 9 and 10 were missing but were mentioned in the specification. Applicants note that Figs. 9 and 10 were submitted with the application as filed. For convenience, applicants have attached a copy of the 8 sheets of formal drawings filed with the application on March 19, 2001 and a copy of the stamped postcard received from the Patent Office as evidence that the 8 sheets were filed on March 19, 2001. Figs. 9 and 10 are shown on sheet number 8.

The Office Action objected to claim 4 because of the misspelling of the word "text." Claim 4 has been amended to correct the misspelling.

Claims 5-9 have been rejected as being indefinite because of a failure "to define [the] scope of the capabilities being claimed." Applicants contend that these claims are not indefinite. Rather, they are simply broad. Nevertheless, to expedite prosecution, claims 5-9 have been amended to define the capabilities as being voice communication capabilities. Accordingly, applicant requests reconsideration and withdrawal of this rejection.

Claim 26 has been rejected as being indefinite. The Office Action contends that "a propagated signal is an impulse or a fluctuating electric quantity not a device or medium to store a computer program." Applicants respectfully traverse this rejection. A propagated signal is a "computer readable medium." According to Merriam-Webster's dictionary, a "medium" is a "means for effecting or conveying something."¹ A propagated signal may be used to convey a

¹ Merriam-Webster's Dictionary - Medium

Main Entry: 1me-di-um

Pronunciation: 'mE-dE-&m

Function: noun

1 a : something in a middle position b : a middle condition or degree : MEAN

2 : *a means of effecting or conveying something*: as a (1) : a substance regarded as the means of transmission of a force or effect (2) : a surrounding or enveloping substance (3) : the tenuous material (as gas and dust) in space that exists outside large agglomerations of matter (as stars) <interstellar medium> b plural usually media (1) : a channel or system of communication, information, or entertainment -- compare MASS MEDIUM (2) : a publication or broadcast that carries advertising (3) : a mode of artistic expression or communication (4) : something (as a

computer program from one location to another. Moreover, that propagated signal necessarily stores that computer program temporarily as it is conveyed from one location to another. For example, a user in a park may select to download a computer program across the Internet by selecting a download command using his or her wireless portable digital assistant (PDA). In response to the user inputted command, the computer program is sent the user's PDA over the air by a propagated signal such as a radiowave signal. The radiowave signal is a "medium" in that it effects or conveys the computer program to the user's PDA. Moreover, the radiowave signal temporarily stores the data of the computer program while that data traverses the air from the radiowave transmitter to the PDA receiver. Accordingly, a propagated signal, such as the radiowave signal used to illustrate in the example provided above, may be a "computer readable medium" that temporarily stores a computer program. For at least these reasons, applicant requests reconsideration and withdrawal of this rejection.

Independent claims 1, 21, and 22, and dependent claims 2-15 and 23-26 have been rejected as being anticipated by Sekiguchi (U.S. Patent No. 5,848,134). This rejection has been obviated through amendments to claims 1, 21, and 22.

Claims 1, 21, and 22, as amended, recite a communications method that establishes a text instant messaging communication session between a sender and a recipient through an instant messaging host, facilitates a text instant message to be sent from the sender to the recipient during the session, enables presentation of a text instant messaging interface to the recipient in which the text instant message is displayed, and enables manipulation of the text instant messaging interface *by the recipient* to invoke voice communication between the sender and the recipient. Applicants request reconsideration and withdrawal of the rejection of claims 1, 21, and 22, and their dependent claims, because Sekiguchi does not describe or suggest enabling presentation of a text instant messaging interface that displays a received text instant message

from a sender and that also may be manipulated *by a recipient* to invoke voice communication between the sender and the recipient.

Sekiguchi describes a system that offers a chatting service and a real time electronic conference service that enables multiple users to communicate with each other, which system is particularly designed to enable users to communicate even though they access the system via terminals that otherwise would not be able to communicate with each other due to incompatibilities in media type. See col. 3, lines 1-15. As shown in the user interfaces of Figs. 5 and 6 of Sekiguchi, a user accesses Sekiguchi's system, selects an electronic conference room, and then participates in a real-time voice chat with other persons in the room, each of whom is displayed in the user interface by a user character. Sekiguchi's system performs text to voice conversion and vice-versa to enable participants that use otherwise incompatible terminals (e.g., phones and non-voice enabled computers) to communicate with each other. See col. 13, lines 5-23.

Sekiguchi, however, does not describe or suggest enabling *a recipient* of a text instant message to manipulate the recited interface to invoke voice communications with a sender. Sekiguchi is silent as to user control of whether the communications exchanged between meeting room participants will be via voice or text. Sekiguchi only describes using terminal information, rather than user input, to determine the communications media selection (e.g., voice or text) for communications between meeting room participants. See, e.g., col. 6, lines 54-64. Moreover, Sekiguchi's system is directed to chat rooms having multiple participants and not to private communications via instant messaging between one individual and another.

For at least these reasons, applicant requests reconsideration and withdrawal of the rejection of claims 1, 21, and 22, and their dependent claims, claims 2-15 and 23-26.

Dependent claims 16-20, which depend from independent claim 1, have been rejected as being unpatentable over Morris (WO 00/60809). Applicants request reconsideration and withdrawal of the rejection of claims 16-20 because, like Sekiguchi as described above, Morris does not describe or suggest enabling presentation of a text instant messaging interface that

displays a received text instant message from a sender and that also may be manipulated by a recipient to invoke voice communication between the sender and the recipient.

Morris describes a system for establishing an audio conference in a networked environment. In Morris, a user is presented with a user interface that displays a contacts list 811. The contacts list 811 includes identities of users that are online and available to receive a phone call. See Fig. 8. The user may send call requests to identities in the contacts list 811 to request their participation in an audio conference. The user also may launch an instant messaging session with an identity displayed in the contact list 811 by selecting the identity and then selecting the "Send Instant Message" option in the menu shown in Fig. 11. After selecting the "Send Instant Message" option, a text instant messaging interface is presented to the user as shown in Fig. 16 to enable instant messaging communications between the user and the selected identity. Morris, however, does not describe or suggest enabling presentation of a text instant messaging interface that displays an instant message received from a sender and that also may be manipulated by the recipient to invoke voice communication with the sender. Rather, Morris describes instant messaging as an additional mode of communication between users that is separate and entirely independent from the audio conference communication. Morris does not describe or suggest that the interface associated with instant messaging may be manipulated to invoke voice communication. On the contrary, as shown in Fig. 16, Morris's instant messaging interface does not include additional voice-related features or controls.

For at least these reasons, applicant requests reconsideration and withdrawal of the rejection of dependent claims 16-20.

Applicants have added new independent claim 27. Claim 27 recites a communications method including enabling a sender to send a text instant message to a recipient, determining the availability of the sender to participate in voice communication with the recipient, and "enabling the recipient to perceive the availability of the sender to participate in voice communication with the recipient *in response to delivery of the text instant message*" (emphasis added). None of the cited art discloses enabling a recipient of a text instant message to perceive the availability of

Applicant : Shuwu Wu et al.
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Filed : March 19, 2001
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099001 / Communications 22

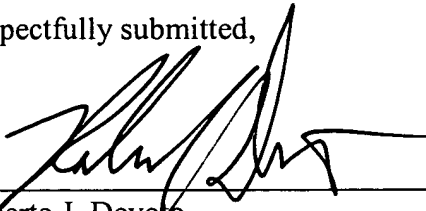
exchanging voice communications with the sender in response to delivery of the text instant message.

Applicant submits that all claims are in condition for allowance.

Enclosed is a \$320 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Date: 9/24/04

Respectfully submitted,



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